

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JOE HOLCOMBE, Individually and as
the Heir and Representative of the
Estate of John Bryan Holcombe, ET
AL.,

Plaintiffs,

vs.

UNITED STATES OF AMERICA,

Defendant.

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No. 5:18–CV–555–DAE (lead case)

MARGARETTE VIDAL, ET AL.,

Plaintiffs,

vs.

UNITED STATES OF AMERICA,

Defendant.

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No. 5:18–CV–712–DAE

CHARLENE UHL, Individually and as
the Heir and Representative of the
Estate of Haley Krueger,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

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No. 5:18–CV–881–DAE

ORDER GRANTING THE PARTIES' JOINT MOTION
TO CONSOLIDATE CASES (DKT. # 6)

Before the Court is a Joint Motion to Consolidate Cases filed in Carlene Uhl v. United States of America, 5:18-CV-881-DAE, on September 12, 2018. (Dkt. # 6.) In the motion, the parties request that the Court consolidate Civil Action 5:18-CV-881-DAE with Holcombe et al. v. United States of America, 5:18-CV-555-DAE. Pursuant to Local Rule CV-7(h), the Court finds this matter suitable for disposition without a hearing. After careful consideration of the memorandum filed in support of the motion, the Court—for the reasons that follow—**GRANTS** the parties' Motion to Consolidate. (Civil Action No. 5:18-CV-881-DAE, Dkt. # 6.)

Federal Rule of Civil Procedure 42(a) provides that if actions “involve a common question of law or fact,” the court may “consolidate the actions” or “issue any other order to avoid unnecessary cost or delay.” Fed. R. Civ. P. 42(a). The decision to consolidate actions under Rule 42(a) is “entirely within the discretion of the district court as it seeks to promote the administration of justice.” Gentry v. Smith, 487 F.2d 571, 581 (5th Cir. 1973).

The Court has reviewed the pleadings in each case and finds that the cases involve common questions of law and fact as: (1) both cases arise from the mass shooting perpetrated by Devin P. Kelley at the First Baptist Church of Sutherland Springs on November 5, 2017; and (2) both complaints are currently

based on a theory of negligence and are brought pursuant to the Federal Tort Claims Act, 28 U.S.C. §§ 2671–2680. The Court therefore **GRANTS** the parties’ Motion to Consolidate. (Dkt. # 6.)

Accordingly, the Court **ORDERS** that Carlene Uhl v. United States of America, 5:18-CV-881-DAE, be consolidated with Holcombe et al. v. USA, 5:18-CV-555-DAE, for all purposes. As the first-filed case, Civil Action No. 5:18-CV-555-DAE will continue to serve as the lead case. The Court **DIRECTS** the parties to make any subsequent filings in the lead case, 5:18-CV-555-DAE.

IT IS SO ORDERED.

DATED: San Antonio, Texas, September 13, 2018.

A handwritten signature in black ink, appearing to read 'David Alan Ezra', is written over a horizontal line.

David Alan Ezra
Senior United States District Judge